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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-272

13 ROBIN MARCH ROSENBLATT
14 815 Hill Street, #5
Belmont, California 94002

**DEFAULT DECISION
AND ORDER**

15 Registered Nurse License No. 378892

[Gov. Code, §11520]

Respondent.

16 **FINDINGS OF FACT**

17 1. On or about June 13, 2008, Complainant Ruth Ann Terry, M.P.H., R.N., in
18 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
19 Consumer Affairs, filed Accusation No. 2008-272 against Robin March Rosenblatt (Respondent)
20 before the Board of Registered Nursing.

21 2. On or about August 31, 1984, the Board of Registered Nursing (Board)
22 issued Registered Nurse License No. 378892 to Respondent. The Registered Nurse License was
23 in full force and effect at all times relevant to the charges brought herein and will expire on
24 October 31, 2009, unless renewed.

25 3. On or about June 13, 2008, Fe M. Domingo, employee of the Department
26 of Justice, served by Certified and First Class Mail a copy of Accusation No. 2008-272, as well
27 as a Statement to Respondent, two copies of a Notice of Defense, a Request for Discovery, and
28 copies of Government Code sections 11507.5, 11507.6, and 11507.7, to Respondent's address of

1 record with the Board, which was and is: 815 Hill Street, #5, Belmont, California 94002. A copy
2 of the Accusation, accompanying documents, and proof of service of same are all attached as
3 exhibit A, and are incorporated herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the
5 provisions of Government Code section 11505, subdivision (c).

6 5. Government Code section 11506 states, in pertinent part:

7 “(c) The respondent shall be entitled to a hearing on the merits if the respondent
8 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
9 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
10 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.”

11 6. Respondent failed to file a Notice of Defense within 15 days after service
12 upon him of the Accusation, and therefore waived his right to a hearing on the merits of
13 Accusation No. 2008-272.

14 7. California Government Code section 11520 states, in pertinent part:

15 “(a) If the respondent either fails to file a notice of defense or to appear at the
16 hearing, the agency may take action based upon the respondent's express admissions or upon
17 other evidence and affidavits may be used as evidence without any notice to respondent.”

18 8. Pursuant to its authority under Government Code section 11520, the Board
19 finds Respondent is in default. The Board will take action without further hearing and, based on
20 the evidence on file herein, finds that the allegations in Accusation No. 2008-272 are true.

21 DETERMINATION OF ISSUES

22 1. Based on the foregoing findings of fact, Respondent Robin March
23 Rosenblatt has subjected his Registered Nurse License No. 378892 to discipline.

24 2. A copy of the Accusation is attached.

25 3. The agency has jurisdiction to adjudicate this case by default.

26 4. The Board of Registered Nursing is authorized to revoke Respondent's
27 Registered Nurse License pursuant to Business and Professions Code section 822 based upon the
28 uncontested allegations of mental impairment included in the Accusation.

1 ORDER

2 IT IS SO ORDERED that Registered Nurse License No. 378892, heretofore
3 issued to Respondent Robin March Rosenblatt, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may
5 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
6 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
7 may vacate the Decision and grant a hearing on a showing of good cause, as defined by statute.

8 This Decision shall become effective on October 10, 2008.

9 It is so ORDERED September 10, 2008

10
11 *LaTranene W Tate*

12 FOR THE BOARD OF REGISTERED NURSING
13 DEPARTMENT OF CONSUMER AFFAIRS
14

15 20121206.wpd
16 DOJ docket number:SF2008400656

17 Attachment:

18 Exhibit A: Accusation No.2008-272, with accompanying documents and proof of service
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Exhibit A

Accusation No. 2008-272
with accompanying documents
and proof of service

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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2008-272

ROBIN MARCH ROSENBLATT
815 Hill Street, #5
Belmont, California 94002

A C C U S A T I O N

Registered Nurse License No. 378892

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about August 31, 1984, the Board of Registered Nursing issued Registered Nurse License Number 378892 to Robin March Rosenblatt (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2009, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the licensee.

STATUTORY PROVISIONS

6. Section 820 of the Code states:

“Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.”

7. Section 822 of the Code states:

“If a licensing agency determines that its licensee’s ability to practice his or her profession safely is impaired because the licensee is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

“(a) Revoking the licentiate’s certificate or license.

“(b) Suspending the licentiate’s right to practice.

“(c) Placing the licentiate on probation.

“(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

“The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person’s right to practice his or her profession may be safely reinstated.”

1 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
2 request the administrative law judge to direct a licensee found to have committed a violation of
3 the licensing act to pay a sum not to exceed reasonable costs of investigation and enforcement.

4 FACTUAL/PROCEDURAL BACKGROUND

5 9. On or about March 18, 2008, based on incidents or events detailed therein
6 between 2002 and 2007 that led to concerns about Respondent's mental state, Complainant filed
7 a Petition for an Order to Compel Psychological Examination (Bus. & Prof. Code, § 820) before
8 the Board of Registered Nursing. On or about April 1, 2008, pursuant to the Petition, the Board
9 entered an Order Compelling Psychological Examination, commanding Respondent to undergo
10 an evaluation to determine mental fitness to practice safely within thirty (30) days.

11 10. On or about April 24, 2008, Respondent met with and was evaluated by a
12 psychiatrist, Patricia White, M.D. Dr. White subsequently reported to the Board on the fitness of
13 Respondent to practice safely as a Registered Nurse, and concluded, *inter alia*:

14 a. That Respondent demonstrates those personality deficits and distortions
15 characteristic of an adult type of Personality Disorder, called Borderline Personality Disorder,
16 with one aspect of this disorder being the presence of a Pathological Lying condition, and that
17 this Personality Disorder is an impairment on Respondent's mental condition;

18 b. That Respondent lacks insight into his problems; and

19 c. That Respondent cannot be considered at this time a safe practitioner if
20 involved in direct patient care, so that if Respondent is permitted to retain his license he should
21 be restricted from engaging in any direct patient care during a period of probation.

22
23 CAUSE FOR DISCIPLINE

24 (Mental Impairment)

25 11. Respondent is subject to disciplinary action and/or suspension, revocation,
26 or probation of/on his Registered Nurse License No. 378892, pursuant to section 822 of the
27 Code, because his ability to practice safely as a Registered Nurse is impaired due to his mental
28 illness or disorder, as detailed in paragraphs 9 and 10, above.

PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 378892, issued to Robin March Rosenblatt (Respondent).

2. Ordering Respondent to pay the Board reasonable costs of investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as is deemed necessary and proper.

DATED: 6/13/08

for 
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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